

Paper No. 5

COPY MAILED

JUN 28 2002

OFFICE OF PETITIONS

DECISION GRANTING PETITION

A non provisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description.

Therefore, the above-identified application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

MPEP 601.01(g) states that if an application is filed without all of the drawing figures referred to in the specification, a "Notice of Omitted Items" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the "Notice" mailed March 12, 2002 was mailed in error and is hereby withdrawn. The petition is **granted**.

The application is entitled to a filing date of February 14, 2002, regardless of whether petitioners establish a sheet of drawings was filed on February 14, 2002. As it turns out, petitioners have shown that 1 sheet of drawings was filed on February 14, 2002.

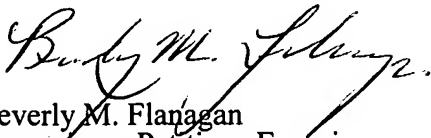
Petitioners have provided a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing February 14, 2002 as the date of receipt of the application papers. The postcard lists, *inter alia*, that the filing included 1 sheet of drawings.

The return postcard constitutes *prima facie* evidence that 1 sheet of drawings was filed on February 14, 2002. MPEP 503. Accordingly, the request is granted.

No fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **February 14, 2002**, using the copy of the 1 sheet of drawings submitted with the instant petition. Office records will be corrected to show that 1 sheet of drawing was present on filing.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.



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